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IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1961

No. 33

INCRES STEAMSHIP COMPANY, LTD.,
Petitioner,

against

INTERNATIONAL MARITIME WORKERS UNION and SHANNON J. WALL and EDWARD POGOR, JOHN DOE and RICHARD ROE,
Respondents.

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS OF THE STATE OF NEW YORK

MOTION FOR LEAVE TO FILE A BRIEF AS *AMICUS CURIAE*
and
BRIEF OF THE REPUBLIC OF LIBERIA AS *AMICUS CURIAE*

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IN THE

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No. 469

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MOTION OF THE REPUBLIC OF LIBERIA FOR LEAVE TO FILE A BRIEF AS *AMICUS CURIAE*

The Republic of Liberia hereby respectfully moves for leave to file a brief *amicus curiae*. Petitioner has consented to the filing of such a brief. Respondents have not.

The Republic of Liberia's brief will be limited to the single but underlying issue of whether the reach of the Labor Management Relations Act, as amended [61 Stat. 136 (1947), 29 USC § 141-187] extends to vessels properly registered under the Liberian flag pursuant to the laws of the Republic of Liberia. This question arises by virtue

of the July 7, 1961 decision of the Court of Appeals of the State of New York, reversing (4 to 3) the July 6, 1960 (3 to 2) decision of the Appellate Division, First Judicial Department, holding that the Supreme Court, New York County (Greenberg, J.) had jurisdiction to restrain picketing of Petitioner's Liberian-flag vessels. The Court of Appeals rested its decision on the exclusive jurisdiction—or the "arguability" of exclusive jurisdiction—of the National Labor Relations Board. The Court of Appeals decision is reported at 10 NY 2d 218. The Appellate Division, First Department's decision is reported at 11 App. Div. 2d 177, 202 NYS 2d 692. The May 19, 1960 oral decision of Justice Greenberg in the Supreme Court is not as yet officially reported, but may be found at 1960 AMC 991.

Between ten and eleven million tons of shipping are registered under the Liberian flag. Liberian merchant shipping was determined to be the third largest in the world (it is now the fourth) by the International Court of Justice in its Advisory Opinion on June 8, 1960 (*IMCO Constitution of the Maritime Safety Committee Case*, 1960 AMC 1005). The maintenance of its status as a major maritime nation is a matter of highest importance to the Republic of Liberia.

Liberia is eager to protect its shipping from discriminatory attack by any interest and to maintain its jurisdiction and control over the men employed on board the vessels of its flag, under generally recognized principles of international law and the provisions of treaties with the United States (Treaty of Friendship, Commerce and Navigation, 1938, 54 Stat., Part 2, p. 1739; Consular Convention, 1938, 54 Stat., Part 2, p. 1751).

Liberia believes that, possibly because of emphasis on other points, the international law and treaty considerations in which it is so particularly and vitally interested were inadequately developed and presented in the courts

below and doubts that they will be adequately developed and presented here. It is for this reason that it requests that this motion be granted.

Respectfully submitted,

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Dated: February 21, 1962

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BRIEF OF THE REPUBLIC OF LIBERIA AS *AMICUS CURIAE*

Statement

The interests of the Republic of Liberia in the instant case are limited but important. They lie at the heart of the dispute and are contrary to the very basis claimed for the National Labor Board's jurisdiction. It is the position of the Republic of Liberia, as well as that of the Petitioner, that, under controlling principles of international law and of treaties with the United States, the National Labor Relations Board is precluded from taking jurisdiction of the matters involved, so that no question of even "arguability" can arise.

The decision of the Court of Appeals, which is contrary to the most recent federal decisions on the subject [*Sociedad*

Nacional de Marineros de Honduras v. *McCulloch*, Civ. No. 4020-61, 44 CCH Lab. Cas. ¶17,392 at 25,945, 25,946 (D. D. C. Jan. 18, 1962); *Empresa Hondurena de Vapores, S. A.* v. *McLeod*, No. 27314, 44 CCH Lab. Cas. ¶17,374, at 25,889, 25,890 (2nd Cir. Jan. 12, 1962)], would most seriously threaten the following objectives of the Government of Liberia:

1. The according of full faith and credit to registration of vessels under its flag.

2. The assurance of freedom of the international commerce served by its vessels from unwarranted, unlawful and conflicting administrative regulations and controls.

These objectives touch on fundamental principles of international law as well as practical objectives of commerce. International commerce cannot thrive in a climate of jurisdictional controversy. Its development necessitates the avoidance of conflicting controls on the part of the many nations at whose ports a vessel may call during the course of her voyage. It was for the protection of these fairly obvious requirements that the rules of international law, relied upon here, grew up. These rules, which are the basis of international trade and upon which investments in world-shipping by the interests of many nations have been made, should not be lightly thwarted in an effort to extend jurisdiction under an American statute quite clearly designed to regulate relations between American employers and American employees.

Such considerations of international law are most appropriate for this Court (*Interhandel Case*, 21st March 1959 ICJ Reports 1959 pp. 6, 28; *MacLeod* v. *United States*, 229 U. S. 416, 434 [1916]).

Argument

The position of the Republic of Liberia is nothing more than that announced by this Court in *Benz* v. *Compania Naviera Hidalgo S. A.*, 353 U. S. 138 (1957), which should be controlling here.

It is submitted that the controls over employment and employment policies on Liberian vessels are singularly appropriate for Liberia and singularly inappropriate for the United States. This is especially true where, as here, no American citizens are involved and the act of employment takes place outside of and at great distances from the United States. Only an extremely small proportion of the men's time is spent in any American port. Their primary activities are at sea and abroad and have nothing to do with American policies or objectives.

Actually, Liberia has not merely the privilege, but also the duty to regulate and control all matters of employment and in relation to the internal management of Liberian vessels. Liberia does regulate and control such matters and has a growing body of law in such important areas as minimum age, working hours and overtime wages, maintenance and care of sick or injured seamen, repatriation and unionization.[1]

Liberia has been an active participant in all recent international maritime conferences and is a signatory to the international conventions relating to maritime affairs set forth in Appendix A annexed hereto. Its position in respect of prior assertions of Labor Board jurisdiction has been made clear by several notes to the Department of State of the United States.

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[1] Liberian Code of Laws, 1956, Vol. II, Title 22: Maritime Law (as amended), Cornell University Press §§ 312, 313, 314, 315, 316, 369.

There can be little doubt that it is the Liberian law which should control rather than the law of the several ports at which Liberian vessels call in the course of their voyages, even if they be regular ports of call as in any liner service.

In speaking of this principle, this Court, in *In re Ross*, 140 U. S. 453 (1891), endorsed the position of the Secretary of State of the United States put as follows:

> " 'That principle is that, when a foreigner enters the mercantile marine of any nation and becomes one of the crew of a vessel having undoubtedly a national character, he assumes a temporary allegiance to the flag under which he serves, and in return for the protection afforded him becomes subject to the laws by which that nation in the exercise of an unquestioned authority governs its vessels and seamen. • • •
>
> The mercantile service is certainly a national service, although not quite in the sense in which that term would be applied to the national navy. It is an organized service governed by a special and complex system of law, administered by national officers, such as collectors, harbor masters, shipping masters and consuls, appointed by national authority. This system of law attaches to the vessel and crew when they leave a national port and accompanies them round the globe, regulating their lives, protecting their persons and punishing their offences. The sailor, like the soldier during his enlistment, knows no other allegiance than to the country under whose flag he serves.' " (at pp. 473, 474)

The same conclusion was reached in *United States* v. *Flores*, 289 U. S. 137, 155-7 (1932).

The theoretical basis for the application of the law of the flag is not completely uniform, and it is doubtless the compelling necessity of the rule which is important, rather than the method by which it is arrived at.

An interesting and helpful discussion of the question of extraterritorial sovereignty is contained in the English decision of *The Queen* v. *Keyn*, 1876, 2 Ex. D. 63. Cockburn L. J., reviewing the authorities, said there:

> "Leges cujusque imperii', says Huber de Conflictu legum, citing Dig. de jurisdictione, l. ult., 'Vim habent intra terminos ejusdem reipublicae, omnesque ei subjectos obligant, nec ultra'. 'Extra territorium jus dicenti impune non paretur' is an old and well-established maxim. 'No sovereignty', says Story (Conflict of Laws, s. 539), 'can extend its process beyond its own territorial limits, to subject either persons or property to its judicial decisions. Every exertion of authority of this sort beyond this limit is a mere nullity, and incapable of binding such persons or property in any other tribunals'. 'The power of this country', says Dr. Lushington in the case of *The Zollverein* [1 Sw. Adm. 96], 'is to legislate for its subjects all the world over, and as to foreigners within its jurisdiction, but no further'. (p. 160)
>
> . . . . .
>
> To the general rule to which I have referred there is one exception—that of a foreigner on board the ship of another nation. But the exception is apparent rather than real; for by the received law of every nation a ship on the high seas carries its nationality and the law of its own nation with it, and in this respect has been likened to a floating portion of the national territory. All on board, therefore, whether subjects or foreigners, are bound to obey the law of the country to which the ship belongs, as though they were actually on its territory on land, and are liable to the penalties of that law for any offence committed against it." (p. 161)

The foregoing discussion is not intended to imply that there is never any basis for local jurisdiction. The decisions and the text writers on the subject agree that there is a limited area for the applicability of local laws and local

authority in relation to police protection, health protection and local safety. This exception does not extend to relations of the ship or her owners to members of the crew—clearly and intimately related to the "internal management and control of the vessel". Such matters are strictly for determination by the state of registration under the laws of that state.

If local administrative bodies at each of the several ports of call were at liberty to assert their several alleged powers and controls, only conflict and confusion would ensue, and commerce would be brought to a veritable standstill. This was vigorously brought out in *Lauritzen* v. *Larsen*, 345 U. S. 571 (1953), where the Court said:

> "[T]he virtue and utility of sea-borne commerce lies in its frequent and important contacts with more than one country. If, to serve some immediate interest, the courts of each were to exploit every such contact to the limit of its power, it is not difficult to see that a multiplicity of conflicting and overlapping burdens would blight international carriage by sea." (p. 581)
>
> "[I]n dealing with international commerce we cannot be unmindful of the necessity for mutual forbearance if retaliations are to be avoided; nor should we forget that any contact which we hold sufficient to warrant application of our law to a foreign transaction will logically be as strong a warrant for a foreign country to apply its law to an American transaction." (p. 582)

Respondents seek to avoid the impact of these controlling principles by discriminatory refusal to give full recognition to the foreign-flag status of Liberian shipping, claiming—as circumstances suggest—that it is the nationality of the stockholders or the employment of the vessel which is determinative.

This proposition was before the International Court of Justice in the *IMCO Constitution of the Maritime Safety*

Committee Case, 1960 AMC 1005, where the Court held that the criterion to be employed in determining the largest ship-owning nations was that of registration. In so doing, it rejected the argument put forward on behalf of nationality of stockholders, saying:

> "In particular it is unlikely that it was contemplated that the test should be the nationality of stockholders and of others having beneficial interests in every merchant ship: facts which would be difficult to catalogue, to ascertain and to measure. To take into account the names and nationalities of the owners or shareholders of shipping companies would, to adopt the words of the representative of the United Kingdom during the debate which preceded the election, 'introduce an unnecessarily complicated criterion'. Such a method of evaluating the ship-owning rank of a country is neither practical nor certain. Moreover, it finds no basis in international practice, the language of international jurisprudence, in maritime terminology, in international conventions dealing with safety at sea or in the practice followed by the Organization itself in carrying out the Convention. On the other hand, the criterion of registered tonnage is practical, certain and capable of easy application." (p. 1026)

The Court also rejected the notion of the so-called "genuine link", somewhat akin to arguments made below, saying:

> "It was contended in the course of the arguments that the Assembly, in assessing the size, in relation to ship-owning, of each country, was entitled to take into consideration the notion of a genuine link which it was claimed should exist between ships and the countries in which they are registered. Article 5 of the unratified Geneva Convention on the High Seas of 1958 was invoked in support of this contention. That Article provides:
>
> 'Each State shall fix the conditions for the grant of its nationality of ships, for the registration of

ships in its territory, and for the right to fly its flag. * * *"

The Court having reached the conclusion that the determination of the largest ship-owning nations depend solely upon the tonnage registered in the countries in question, any further examination of the contention based on a genuine link is irrelevant for the purpose of answering the question which has been submitted to the Court for an advisory opinion." (p. 1028).

The Government of the United States fully supported the position of Liberia before the International Court of Justice, taking the position adopted by the Court.

The decision of the international Court is the same as that of courts here since the days of *The Charming Betsy*, 6 U. S. [2 Cranch.] 64, 122, 124 [1804].

Recently the following American lower court decisions have specifically held that it is the law of Liberia, as the registration state, which, to the exclusion of all others, governs employment relations aboard the ship: *Evangelinos* v. *Andreavapor Cia. Nav., S. A.*, 162 F. Supp. 520, 521-2 (S. D. N. Y. 1958); *Grivas* v. *Alianza Compania Armadora*, 150 F. Supp. 708 (S. D. N. Y. 1957), modified 276 F. 2d 822 (1960) at p. 285; *McQuade* v. *Compania de Vapores San Antonio, S. A.*, 131 F. Supp. 365 (S. D. N. Y. 1955).

The status given the registration state in respect of control over affairs on board its vessels has had the full support of writers of authority:

Oppenheim: "It [a State] can in particular authorize such vessels to sail under its flag as are the property of a foreign subject; but such foreign vessels sailing under its flag fall thereby under its jurisdiction * * * Private vessels are considered as though they were floating portions of the flag State

only in so far as they remain whilst an open sea in principle under the exclusive jurisdiction and protection of the flag State. Thus, the birth of a child, a will or business contract made, or a crime committed on board ship, and the like are considered as happening on the territory, and therefore under the territorial supremacy, of the flag State.[2]

Hall: "It is unquestioned that in a general way a State has the rights and the responsibilities of jurisdiction over ships belonging to it while they are open sea, but a difference of opinion exists as to the theoretical ground upon which the jurisdiction of the State ought to be placed.[3]

Colombos:[4] § 343, Jurisdiction over vessels in port: "The practice followed in this connection by the majority of continental States is to disclaim jurisdiction over all matters on board foreign ships and to reserve the right to intervene only when the peace of the port is endangered. This practice is based on the famous decision of the French *Conseil d'Etat* in 1806, in *The Sally* and *The Newton*, two American ships in French ports in each of which one member of the crew assaulted the other. It was held by the French Court that in the case of offences affecting only the vessel and her crew or her internal discipline, the local authorities should not interfere except where the offences compromised the tranquillity of the port or their assistance was invoked."

The particularly close connection between registration and the law applicable on board ship is also reflected in the practice of the International Labor Organization. In 1936, during the course of the 21st Session of the International Labor Organization Conference an interesting discussion arose as to whether nationality, the flag or registration is the most appropriate criterion for the demarcation of the scope of international Conventions relating to seamen. The

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[2] International Law, Vol. I (8th ed., 1955), pp. 595 and 597.

[3] International Law (8th ed., 1924), p. 301.

[4] International Law of the Sea, 4th revised edition 1959, p. 279.

discussion led to the appointment of a Coordination Committee which recommended registration as the most appropriate criterion, and effect was given to this recommendation in the five important Conventions adopted at the 21st Session of the Conference.

Dr. Jenks[5] has explained the decision of the I. L. O. not to employ the concept of nationality for this purpose in the following terms:

> "Nationality might be thought to refer not to the flag flown, the right to fly a particular flag being normally, as documents before the Committee showed, determined by registration, but to the nationality of the ownership and control of the vessel, and perhaps even to the nationality of the real as distinct from the apparent ownership and control. It was pointed out to the Committee that nationality, understood in this sense, is not the criterion which determines the jurisdictional rights of States over conditions of employment on board, and that the criterion defining the obligations to be assumed by States must necessarily correspond with that which, under general rules of international law, delimits the extent of their powers of control."

The various International Labor Conventions clearly and specifically adopt the standard of registration and thereby reject all others. These Conventions include the following, dealing pointedly with maritime affairs:

> Inspection of Emigrants on Shipboard. ILO Convention No. 21 (1926) [38 UNTS, p. 281]
>
> Repatriation of Seamen. ILO Convention No. 23 (1926) [38 UNTS, p. 315]
>
> Annual Holidays with Pay for Seamen. ILO Convention No. 54 (1936) [ILO Conventions and Recommendations, 1919-1949, p. 371]

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[5] Jenks, "Nationality, the Flag and Registration as Criteria for Demarcating the Scope of Maritime Conventions", Journal of Comparative Legislation; Vol. XIX (1937), p. 245, at p. 249. Dr. Jenks was a legal adviser to the I.L.O. at that time.

Sickness, Injury or Death of Seamen. ILO Convention No. 55 (1936) [40 UNTS, p. 169]

Sickness Insurance of Seamen. ILO Convention No. 56 (1936) [40 UNTS, p. 187]

Hours of Work on Board Ships and Manning. ILO Convention No. 57 (1936). [ILO Conventions and Recommendations, 1919-1949, p. 387]

Certification of Ship's Cooks. ILO Convention No. 69 (1946) [ILO Conventions and Recommendations, 1919-1949, p. 610]

Medical Examination of Seafarers. ILO Convention No. 73 (1946) [ILO Convention and Recommendations, 1919-1949, p. 823]

Wages, Hours of Work on Board Ships and Manning. Revised 1949. ILO Convention No. 93 (1949) [ILO Conventions and Recommendations 1919-1949, p. 823]

Without unduly extending this discussion, it is in order to mention other important maritime conventions adopting the same standard. Special reference might be made to the Convention for the Safety of Life at Sea, 1948 [3 UST 3450; 1953 AMC 1]; the International Convention for the Prevention of Pollution of the Sea by Oil, 1954 [75 Stat. 402]; Load Line Convention, 1930 [47 Stat. 2228].

There was the suggestion below that "contacts" with the United States, consisting principally of fairly regular and frequent calls at United States ports and the booking of passengers there, somehow provided a basis for Board jurisdiction—this notwithstanding that the so-called "contacts" are scarcely more than those of the *Queen Mary*. This is wholly without substance. The same reasoning would give the United States jurisdiction over all vessels in liner service calling at American ports and would authorize every nation at whose ports American vessels call to take unto themselves control over the relations between American employers and American seamen. International shipping is on a world basis and those participating in it

must necessarily have frequent and regular "contacts" with numerous ports throughout the world. Mere "contacts" of a vessel have never provided a basis for controlling employer-employee relations aboard her. They should not now.

The contention that the Labor Board might have jurisdiction is not buttressed by the Union's argument that its members are deprived of job opportunities by the very existence of the Liberian merchant marine. It by no means follows that the complete destruction of the Liberian merchant marine would create any jobs for American seamen. As demonstrated by past experience, a much more likely result would be an increase in the foreign tonnages of other maritime nations.

This contention, if valid, could be made in respect of foreign competition of every kind, and, unless all precedents and current policies are to be abandoned, the mere existence of actual or potential foreign competition must fail to create a basis for administrative jurisdiction and regulation.

There remains for consideration the specific impact of treaties between the Republic of Liberia and the United States. Attention is directed to the Treaty of Friendship, Commerce and Navigation of 1938 (54 Stat. 1739) particularly Article XV thereof, p. 1745,[6] and the Consular Convention, also of 1938 (54 Stat. 1751), particularly Article X thereof, p. 1756.[7] The pertinent articles are printed as appendices hereto.

The Treaty of Friendship specifically provides that privately owned vessels under the flag of either party shall be deemed vessels of the party whose flag is flown. This should of itself dispose of various arguments advanced by Respondents in their efforts to avoid according full faith and credit to Liberian registrations.

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[6] Appendix B.

[7] Appendix C.

The Consular Convention, Article X, gives to consular officers exclusive jurisdiction over controversies arising out of the internal order of private vessels of their country and provides that the Consul alone shall exercise jurisdiction in disciplinary cases. It also gives to the Consul jurisdiction in the adjudication of wage disputes and the execution of contracts relating to wages.

This Consular Treaty was specifically recognized and given effect in *Keramiotis* v. *Basilia Compania Maritima*, 176 F. Supp. 269 (S. D. N. Y. 1959), where Judge Cashin stated that there was no doubt that the law of Liberia was controlling in respect of an alleged unlawful discharge, rather than the general maritime law of the United States.

The same result was reached in applying a similar Norwegian treaty stipulation in *The Wind*, 22 F. Supp. 883 (E. D. Pa. 1938).

Treaty provisions in situations of this kind are ordinarily given paramount consideration (*The Belgenland*, 114 U. S. 355, 364 (1885); *The Taigen Maru*, 73 F. 2d 922, 923 (1934)), and should be here. There is no occasion to construe the Labor Management Relations Act in such manner as to accord it extraterritoriality contrary to outstanding treaty provisions. It is well settled that "a treaty will not be deemed to have been abrogated or modified by a later statute unless such purpose on the part of Congress has been clearly expressed." *Cook* v. *United States*, 288 U. S. 102, 120 (1933).

The decision of this Court in *Benz* v. *Compania Naviera Hidalgo S. A.*, 353 U. S. 138, makes it abundantly clear that the Act cannot be construed so as to raise any question in this respect. Mr. Justice Clark there said:

> "Our study of the Act leaves us convinced that Congress did not fashion it to resolve labor disputes between nationals of other countries operating ships under foreign laws. The whole background of the

Act is concerned with industrial strife between American employers and employees. In fact, no discussion in either House of Congress has been called to our attention from the thousands of pages of legislative history that indicates in the least that Congress intended the coverage of the Act to extend to circumstances such as those posed here. It appears not to have even occurred to those sponsoring the bill." (pp. 143, 144)

CONCLUSION

The sole jurisdiction over the subject matter being that of the Republic of Liberia, there is no room for the jurisdiction of the National Labor Relations Board. There is not even a basis for "arguability" of jurisdiction. There is therefore no impediment to a state court injunction.

Accordingly, judgment of the Court of Appeals of the State of New York should be reversed and the case remanded for further proceedings.

Dated: February 21, 1962.

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APPENDIX A

List of international Conventions related to maritime affairs, to which the Republic of Liberia is a signatory power.

1. Inter Governmental Maritime Consultative Organization, 1958. [9 UST 621; TIAS 4044].

2. International Convention of Safety of Life at Sea, 1948. [3 UST 3450; TIAS 2495; 1953 AMC 1].

3. International Load Line Convention, 1930. [47 Stat. 2228; TS 858].

4. International Telecommunications Convention, 1947. [TIAS 3286].

5. North Atlantic Fur Patrol. [1956 TIAS 3597; 7 UST (2) 1962].

6. ILO Convention (No. 53)—Officers' Competency Certificates. Geneva, 1936. [40 L. N. T. S. p. 187; 54 Stat. 1683; TS 950].

7. ILO Convention (No. 55)—Shipowners' Liability (Sick and injured Seamen). Geneva, 1936. [40 L. N. T. S. p. 169; 54 Stat. 1693; TS 951].

8. ILO Convention (No. 58)—Minimum Age at Sea Revised. Geneva, 1936. [54 Stat. 1705; TS 952].

APPENDIX B

Treaty of Friendship, Commerce and Navigation between the United States of America and Liberia. Signed at Monrovia August 8, 1938.

ARTICLE XV

Merchant vessels and other privately owned vessels under the flag of either of the High Contracting Parties, and carrying the papers required by its national laws in proof of nationality shall, both within the territorial waters of the other High Contracting Party and on the high seas, be deemed to be the vessels of the Party whose flag is flown.

APPENDIX C

Convention between the United States of America and Liberia respecting Consular Officers. Signed at Monrovia October 7, 1938

ARTICLE X

A consular officer shall have exclusive jurisdiction over controversies arising out of the internal order of private vessels of his country, and shall alone exercise jurisdiction in cases, wherever arising, between officers and crews, pertaining to the enforcement of discipline on board, provided the vessel and the persons charged with wrongdoing shall have entered a port within his consular district. Such an officer shall also have jurisdiction over issues concerning the adjustment of wages and the execution of contracts relating thereto provided, however, that such jurisdiction shall not exclude the jurisdiction conferred on local authorities under existing or future laws.

When an act committed on board of a private vessel under the flag of the State by which the consular officer has been appointed and within the territorial waters of the State to which he has been appointed constitutes a crime according to the laws of that State, subjecting the person guilty thereof to punishment as a criminal, the consular officer shall not exercise jurisdiction except in so far as he is permitted to do so by the local law.

A consular officer may freely invoke the assistance of the local police authorities in any matter pertaining to the maintenance of internal order on board of a vessel under the flag of his country within the territorial waters of the State to which he is appointed, and upon such a request the requisite assistance shall be given.

A consular officer may appear with the officers and crews of vessels under the flag of his country before the judicial authorities of the State to which he is appointed for the purpose of observing the proceedings or of rendering assistance as an interpreter or agent.